

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

AVENTIS PHARMACEUTICALS INC. and)
SANOFI-AVENTIS US LLC,)
Plaintiffs,) C.A. No. 06-286 (GMS)
v.)
BARR LABORATORIES, INC.)
Defendant.)

**BARR LABORATORIES' RULE 12(b)(6)
MOTION TO DISMISS PLAINTIFFS' WILLFUL INFRINGEMENT CLAIMS
OR, ALTERNATIVELY, TO BIFURCATE AND STAY DISCOVERY ON THEM**

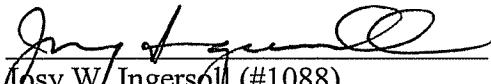
Defendant Barr Laboratories, Inc. ("Barr"), by and through its undersigned counsel, hereby respectfully moves the Court to dismiss Plaintiffs' willful infringement claims for failure to state a claim or, alternatively, to bifurcate and stay discovery on them to avoid prejudicing Barr and promote judicial economy. The basis for this motion is more fully set forth in Barr's Opening Brief filed contemporaneously herewith. A proposed form of Order is attached.

Dated: May 31, 2006

Respectfully submitted,

BARR LABORATORIES, INC.

By:


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CERTIFICATE OF SERVICE

I, Josy W. Ingersoll, Esquire, hereby certify that on May 31, 2006, I caused to be electronically filed a true and correct copy of the foregoing document with the Clerk of the Court using CM/ECF, which will send notification that such filing is available for viewing and downloading to the following counsel of record:

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I further certify that on May 31, 2006, I caused a copy of the foregoing document to be served by hand delivery on the above-listed counsel of record and on the following non-registered participants in the manner indicated:

BY EMAIL

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BARR LABORATORIES, INC.)
Defendant.)

ORDER

Barr Laboratories, Inc. having moved to dismiss Plaintiffs' willful infringement claims, and the Court having considered the parties' submissions thereon,

IT IS HEREBY ORDERED this ____ day of _____, 2006, that Plaintiffs' willful infringement claims are hereby dismissed.

U.S.D.J.